

SALEM PLANNING AND ZONING COMMISSION

SPECIAL MEETING

August 22, 2011

7:00

Present: K. Buckley-Chairperson, R. Amato, D. Bingham (arrives at 7:32), E. Burr, G. Fogarty, V. Smith, G. Walter, M. Chinatti, Town Planner/ZEO, Sue Spang, Recording Secretary

Absent: R. Savalle H. McKenney, Alt., Alt, Vacancy-

Guests See Sign in Sheet

CALL TO ORDER:

K. Buckley called the meeting to order at 7:03. She introduced the members present.

It was the consensus of the members to seat V. Smith for D. Bingham

PUBLIC COMMENT None

OLD BUSINESS

1. Aquifer Protection Zone Update

M. Chinatti informed the members that the Salem Inland Wetlands and Conservation Commission (IWCC) discussed helping draft Aquifer Protection Regulations after a presentation with Marc Cohen. They have not made a decision yet but, IWCC Chairman, Sally Snyder stated that she was concerned her members were spread too thin with IWCC commitments and vacancies on the Commission. They realize it would not be a lot of work due to the fact M. Cohen would be doing much of the research and work. S. Snyder asked for volunteers to possibly work on the draft regulations and five members stated they would be willing to help.

NEW BUSINESS

1. Site Plan and Subdivision Moratorium Regarding PA 11-79

K. Buckley gave the members some background on the new legislation. She stated the reason the Commission needed to have a special meeting was because of the need to have an amendment to the regulations allowing for a moratorium which requires a public hearing. The early date was to give the Commission enough time to properly notify the appropriate towns and regional planning agencies

M. Chinatti stated the new legislation will go into effect on October 1, 2011. It takes away the ability of the Town to require a bond to be filed prior to endorsement and filing of mylars. Instead it leaves it up to the developer as to when he files the bond. M. Chinatti stated the problem is that half way through a development the project can be abandoned and the town will be left with an unfinished project. She stated the opinion of the Town's land use attorney is to have a moratorium which will give the town time to modify the regulations in response to the new legislation.

V. Smith asked what is the motivation behind the legislation.

M. Chinatti stated the legislation was proposed by an attorney for a Builders Association

V. Smith asked if there are any projects in the process that would be effected.

M. Chinatti stated that any application already submitted before October 1 would be considered under the current regulations.

M. Chinatti stated the moratorium would be for six months or less depending on how long it took to adopt the new regulations.

K. Buckley stated the moratorium would affect a narrow scope of projects.

E. Burr stated he thought the Commission was ready for a moratorium and the members should listen to a few more attorneys.

K. Lyden, Salem First Selectman asked for an explanation of the moratorium and who it would effect.

M. Chinatti explained how long, who and what projects would be affected; she basically stated that any project that requires a bond would be subject to the moratorium. She stated a resident who is just putting on an addition or building a house on an already approved lot would not be effected. She stated it would only apply to Commission applications.

M/S/C (Buckley/Burr) to set a public hearing for September 27, 2011 to consider text amendments of Section 11 A of the Salem Zoning Regulations and Section 1.3 of Subdivision Regulations for the purpose of setting a moratorium for a period not to exceed six months, beginning on October 1, 2011 for subdivisions and certain site plan applications until such time regulations can be amended in response to PA 11-79. Vote: Approved Unanimously

APPROVAL OF MINUTES- (D. Bingham arrives)

1. July 19, 2011 Regular Meeting

M/S/C (Buckley/Burr) to accept the minutes of July 19, 2011 as amended.

Page 1, Present-delete R G Fogarty

Page 5, First ¶ add e, rationale

Page 5, ¶ five, add, ' –Belt's

Vote: Approved Unanimously

2. July 26, 2011 Regular Meeting

M/S/C (Fogarty/Burr) to approve the minutes of July 26, 2011 as presented.

Vote: Approved. In favor-Amato, Fogarty, Smith, Walter. Opposed-none.

Abstaining-Burr, Bingham, Buckley

EXECUTIVE SESSION:

M/S/C (Buckley/Amato) to go into Executive Session to discuss pending litigation - Kobyluck - at 7:42.

David Bingham abstained from the vote, and recused himself as an abutting property owner, and left the meeting.

Members present at Executive Session-Amato, Burr, Buckley, Fogarty, Smith, Walter, and M. Chinatti at the request of the Commission

The members came out of Executive Session at 7:53.

ADJOURNMENT: M/S/C (Buckley/Amato) to adjourn at 7:54. Vote: Approved Unanimously

Respectfully Submitted,

Sue Spang

Recording Secretary